



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AF/KPw

Application of:

Marc Schaepkens et al.

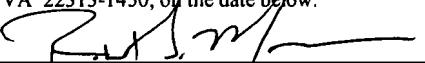
Serial No.: 10/817,531

§ Group Art Unit: 2815
§ Examiner: Chris C. Chu
§
§ Atty. Docket: 133525-1/MAN
§ GERD:0065

Filed: April 2, 2004

For: Organic Electronic Packages having
Hermetically Sealed Edges and
Methods of Manufacturing Such
Packages

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Alexandria, VA 22313-1450

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April 11, 2007	
Date	Robert A. Manware

NOTICE OF APPEAL UNDER 37 C.F.R. § 41.31 FROM THE DECISION OF THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellants hereby appeal to the Board of Appeals and Interferences from the Final Office Action mailed on December 11, 2006, and the Advisory Action mailed on March 5, 2007, wherein the Examiner finally rejected claims 1-10 and 47-50 of the above-referenced application. The Commissioner is authorized to charge the requisite filing fee of \$500.00 (Notice of Appeal), and any additional fees which may be required, including the fee associated with the one-month extension of time for the present submission, to Deposit Account No. 07-0868; Order No. 133525-1/MAN (GERD:0065).

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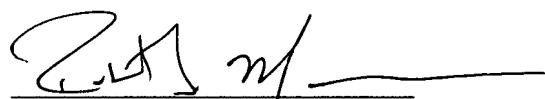
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General Authorization for Extensions of Time

In accordance with 37 C.F.R. § 1.136, the undersigned hereby provides a general authorization to treat this and any future reply requiring an extension of time as incorporating a request therefor. Furthermore, the Commissioner is authorized to charge the appropriate fee for any extension of time to Deposit Account No. 07-0868; Order No. 133525-1/MAN (GERD:0065).

Respectfully submitted,

Date: April 11, 2007



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Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

133525-1/MAN (GERD:0065)

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on April 11, 2007

Signature

Typed or printed name Robert A. Manware

Application Number

10/817,531

Filed

April 2, 2004

First Named Inventor

Marc Schaepkens et al.

Art Unit

2815

Examiner

Chris C. Chu

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

 applicant/inventor. assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96) attorney or agent of record. Registration number 48,758

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Telephone number

 attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

April 11, 2007

Date

Robert A. Manware

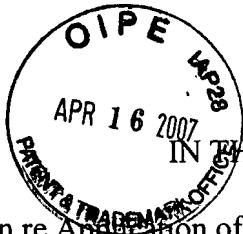
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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

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This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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In re Application of:

Marc Schaepkens et al.

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Group Art Unit: 2815

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Serial No. 10/817,531

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For: Organic Electronic Packages Having
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Atty. Docket: 133525-1

GERD:0065/MAN

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April 11, 2007

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Robert A. Manware

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

With respect to the Final Office Action mailed on December 11, 2006 and the Advisory Action mailed March 5, 2007, Appellants respectfully submit this Pre-Appeal Brief Request for Review. This Request is being filed concurrently with a Notice of Appeal.

In the Final Office Action, the Examiner rejected pending claims 1-5, 8-10 and 47-50 under 35 U.S.C. § 102(e) as being anticipated by Padiyath et al. (U.S. Pat. No. 7,018,713) and rejected claims 6 and 7 as being obvious over the Padiyath reference, in view of Silvernail (U.S. Pat. No. 6,624,568). Of these, claims 1 and 47 are independent. In the Final Office Action and the Advisory Action, the Examiner essentially reiterated the rejection formulated in the previous

non-final Office Action. Appellants respectfully traverse these rejections in view of the clear legal and factual deficiencies discussed in detail below.

As discussed in the Response to Office Final Office Action filed by Appellants on February 12, 2007, embodiments of the present application relate to providing a hermetically sealed package for organic electronic devices. Application, Page 2, paragraph [0005]. In one embodiment an organic electronic package is provided, wherein the package includes a sealant implemented to couple a superstrate to a flexible substrate, providing a complete enclosure for the organic electronic device. Application, Page 7, paragraph [0024]. As used in the present specification, the “organic electronic device” includes a number of organic semiconductor layers disposed between two conductors or electrodes. Application, Page 7, paragraph [0023]. The specification describes a superstrate as referring to the upper substrate of the organic package. Application, Page 7, paragraph [0025]. In one embodiment, the organic package includes an organic electronic device and a superstrate disposed proximate to the organic electronic device, wherein the superstrate is adapted to wrap around the edges of the package, thereby sealing and protecting the organic electronic device. Application, Page 9, paragraphs [0028] – [0029], Fig. 3.

Accordingly, independent claim 1 recites “[a] package comprising . . . a superstrate *coupled directly to* the sealant and *disposed proximate to* the organic electronic device, wherein the superstrate comprises a periphery adapted to wrap around the edges of the package.” (Emphasis added). Similarly, independent claim 47 recites “[a] package comprising...a superstrate *coupled directly to* the sealant and *disposed proximate to* the organic electronic device, wherein the superstrate comprises at least one layer larger than the flexible substrate and a periphery adapted to wrap around the edges of the package.” (Emphasis added). To be clear, each of the independent claims recites a superstrate that is “coupled directly to” a sealant and “disposed proximate to” an organic electronic device.

Appellants respectfully remind the Panel that during examination, the claims must be interpreted as broadly as their terms *reasonably* allow. This means that the words of the claims

must be give their *plain meaning* unless Applicant has provided a clear definition in the specification. *In re Zletz*, 893 F.2d 319, 321, 13 U.S.P.Q.2d 1320, 1322 (Fed. Cir. 1989); M.P.E.P. § 2111.01. “Words in patent claims are given their ordinary meaning in the usage of the field of the invention, unless the text of the patent makes clear that a word was used with a special meaning.” *In re Sneed*, 710 F.2d 1544, 218 U.S.P.Q.Q. 385 (Fed. Cir. 1983). Further, for a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

As discussed above, embodiments of Appellants invention include a superstrate that is both 1) “coupled directly to” a sealant; and 2) disposed “proximate” to an organic electronic device. As will be appreciated, the plain and ordinary meaning of the term “proximate,” is “close” or “very near.” *See e.g.*, WEBSTER’S NEW UNIVERSAL UNABRIDGED DICTIONARY 1158 (1994); <http://dictionary.reference.com/browse/proximate>. Thus, in accordance with the ordinary meaning of the term, “proximate” refers to something that is near, close or next to. “Proximate” does *not* refer to something that is in contact or touching something else. Suggestions to the contrary would be inconsistent with the plain and ordinary meaning of the term.

Indeed, Appellants specification clearly supports this plain and ordinary meaning. For example, each figure and corresponding description makes clear that in accordance with embodiments of Appellants’ invention, the superstrate is disposed next to, *but not in contact with*, the organic electronic device. *See e.g.*, Figs. 1, 3, 4 and 7. Accordingly, it is clear from the specification that Appellants are using the term “proximate” in accordance with its plain and ordinary meaning. That is, the superstrate is disposed “proximate,” (i.e., next to, but not in contact with) the organic electronic device. This usage of “proximate” to describe a relationship between the superstrate and the organic electronic device is in stark contrast to the recited relationship between the superstrate and the sealant. That is, the claims make it clear that when one element is in contact with another element, it is “coupled to” or “coupled directly to” that

element (e.g., “an organic electronic device coupled to the transparent film,” or “a superstrate coupled directly to the sealant”). In stark contrast, when one element is arranged close to, but not in contact with another element, it is “disposed proximate to” that element (e.g., “a superstrate...disposed proximate to the organic electronic device”). Accordingly, it is clear from the plain and ordinary meaning of the terms expressly recited in independent claim 1 and 47, and fully supported by Appellants’ specification, that “proximate to” refers to one element that is next to, but not in contact with another element, which is clearly distinct from an element that is “coupled directly to,” and thus in contact with another element. Thus, each of the independent claims recites a superstrate that is next to, but not in contact with, an organic electronic device.

In contrast, the Padiyath reference discloses an OLED device 200, wherein a metal foil 250 (asserted to be the recited superstrate) is coupled directly to the cathode 230 of the light emitting structure 220. *See e.g.*, Fig. 4. As a preliminary matter, Appellants note that the organic electronic device of Padiyath is not solely made up of the light emitting layers 220. Those skilled in the art would fully appreciate that to form an “organic electronic device,” the light emitting layers must be sandwiched between two electrodes. Accordingly, any correlation of the structure of Padiyath with Appellants’ recited “organic electronic device” must include not only the light emitting layers 220 of Padiyath, but also the cathode 230 and the ITO anode 210.

With this in mind, it is clear that the Padiyath reference teaches that the asserted superstrate (foil 250) is in direct contact with or *coupled directly to* the cathode 230 of the organic electronic device. Indeed, the Padiyath reference explicitly teaches that “an opening 260 formed in adhesive 240 permits a portion 270 of foil 250 to be deformed into contact with cathode 230.” Col. 9, lines 13-15. Thus, it cannot be said that the metal foil 250 is “proximate to” the cathode 230. Rather, the metal foil 250 is disposed in direct contact with the cathode 230. While it is true that portions of the metal foil 250 are indeed separated from portions of the organic electronic device (elements 230-220-210) by the adhesive 240, portions of the metal foil 250 are not. Indeed, those skilled in the art would fully appreciate that the electrically conductive nature of the cathode 230 and the metal foil 250 mean that any such direct contact changes the

operative nature of the device entirely. As previously asserted, Appellants note that the distinction in the plain language of the independent claims themselves (e.g., the superstrate is both “coupled directly to” a sealant and disposed “proximate” to an organic electronic device) should give clear guidance that the superstrate recited in the present claims cannot be reasonably interpreted as being coupled to or in contact with the organic electronic device. Because the Padiyath reference *does* disclose a superstrate coupled directly to both the sealant and the organic electronic device, Appellants respectfully assert that the Padiyath reference cannot possibly disclose the recited elements. That is, the Padiyath reference *does not* disclose “a superstrate *coupled directly to* the sealant and *disposed proximate to* the organic electronic device,” as recited in claims 1 and 47.

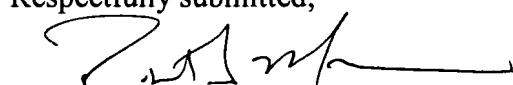
Accordingly, Appellants respectfully assert that the Padiyath reference fails to disclose all of the recited features of independent claims 1 and 47, and thus, the Padiyath reference cannot possibly anticipate the recited subject matter. Therefore, Appellants respectfully assert that the Examiner’s rejection is in error.

Conclusion

In view of the foregoing, Appellants respectfully request that the Panel reverse the Examiner’s rejection of claims 1-10 and 47-50.

Date: April 11, 2007

Respectfully submitted,



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